



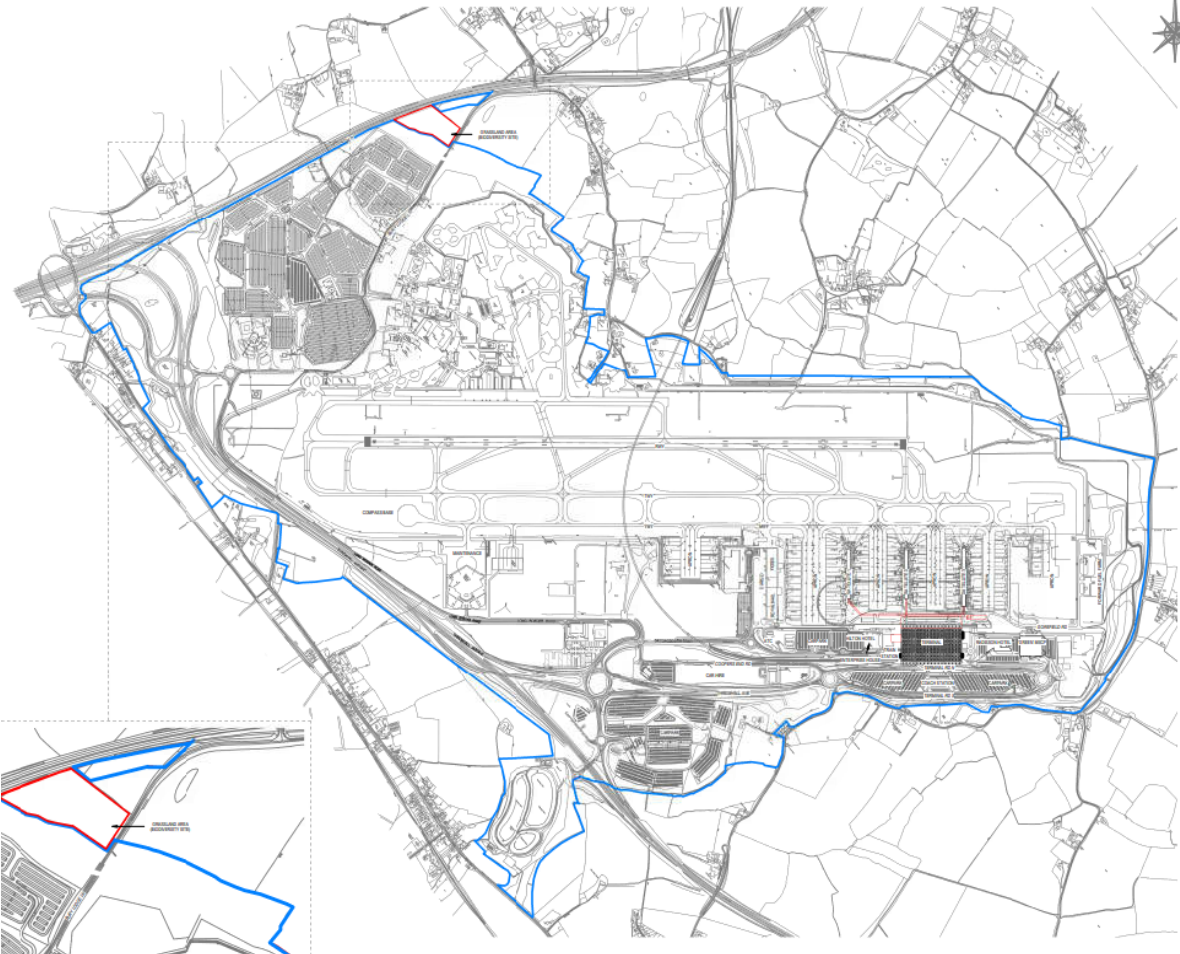
ITEM NUMBER: 4

PLANNING COMMITTEE DATE: 13 September 2023

REFERENCE NUMBER: S62A/2023/0022and UTT/23/1970/PINS

LOCATION: Passenger Terminal, Stansted Airport, Stansted

SITE LOCATION PLAN:



PROPOSAL: Partial demolition of the existing Track Transit System and full demolition of 2 no. skylink walkways and the bus-gate building. Construction of a 3-bay extension to the existing passenger building, baggage handling building, plant enclosure and 3 no. skylink walkways and associated hardstanding

APPLICANT: Stansted Airport Ltd

AGENT: Manchester Airports Group

DATE CONSULTATION RESPONSE DUE: Extension of time given to 22nd September 2023.

CASE OFFICER: Mrs M Shoemith

NOTATION: Stansted Airport Development Limits, Archaeology interest, Contamination, SSSI 2km, Aerodrome Directions & Airport Noise restrictions, Policy Area AIR1

REASON THIS CONSULTATION IS ON THE AGENDA: This is a report in relation to a major planning application submitted to the Planning Inspectorate (PINS) for determination.

Uttlesford District Council (UDC) has been designated by Government for poor performance in relation to the quality of decisions making on major applications.

This means that the Uttlesford District Council Planning Authority has the status of a consultee and is not the decision maker. There is limited time to comment. In total 21 days.

1. RECOMMENDATION

That the Strategic Director of Planning be authorised to advise the Planning Inspectorate that Uttlesford District Council recommend planning permission be approved subject to conditions as set out in Section 15 of the report.

2. SITE LOCATION AND DESCRIPTION

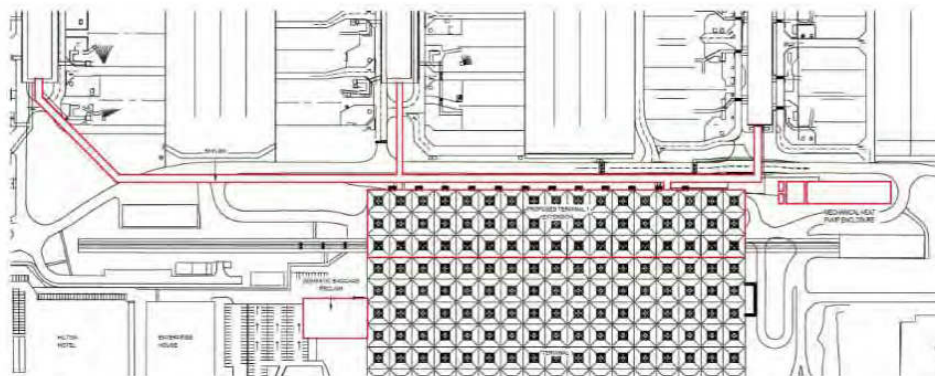
- 2.1** The application site is located to the northwest of the terminal building. To the east of the terminal building lie the previous location of an arrivals building, which was approved in under planning permission UTT/16/3566/FUL, and the Radisson Hotel with its parking area. The three terminal jetty areas are accessed and located from the northern part of the terminal.
- 2.2** The site is located airside of the terminal building, covering an area between the building and Pincey Road. The site is relatively level. To the northwest is the Track Transit System (TTS) track and maintenance bay and to the southeast is the forecourt and surface access structure associated with the terminal. The application site comprises an area of circa 4.1ha contained within the airport's operational area. The site is in two parts extension, skylinks, baggage handling building and plant enclosure (2.4 ha) and a 'Grassland Area' (1.7 ha) which will be used to provide Biodiversity Net Gain (BNG).
- 2.3** Stansted is recognised as the third largest airport forming part of the London system and the busiest single terminal airport in the UK. It is a key national asset and the primary airport for the East of England, forming part of a key gateway. The airport is stated to have seen a strong recovery since the COVID 19 pandemic and had handled 23million passengers in 2022.

3. PROPOSAL

- 3.1** The proposal relates to the erection of a dedicated arrivals terminal. This is stated to be an alternative scheme to that approved in April 2017. The scheme proposes part demolition of the existing TTS and full demolition of 2 skylink walkways and the bus gate building that currently exist linking to the terminals.
- 3.2** The proposed terminal building is designed to continue the advanced contemporary design of the main building, designed by Sir Norman Foster. It is proposed that a three bays extension to the existing building to create baggage handling building, plant enclosure and 3 no. 'skylink' walkways and associated hardstanding.
- 3.3** The proposed facility is stated to facilitate the expansion of the check in area, departures lounge and an internal reorganisation of baggage reclaim facilities, immigration, customs, associated retail and arrivals hall and forecourt.
- 3.4** The application proposes the following works;
- Partial demolition of the track of the existing passenger TTS to the rear of the existing passenger terminal.
 - Full demolition of the existing standalone bus-gate building situated to the rear of the existing passenger terminal.

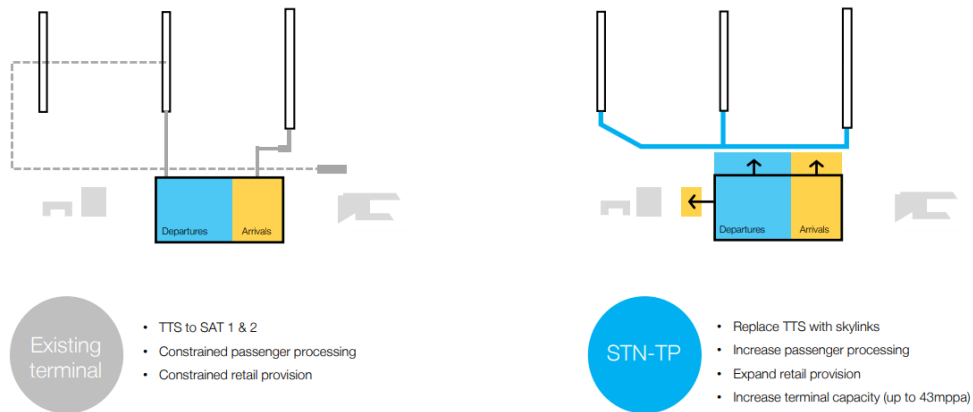
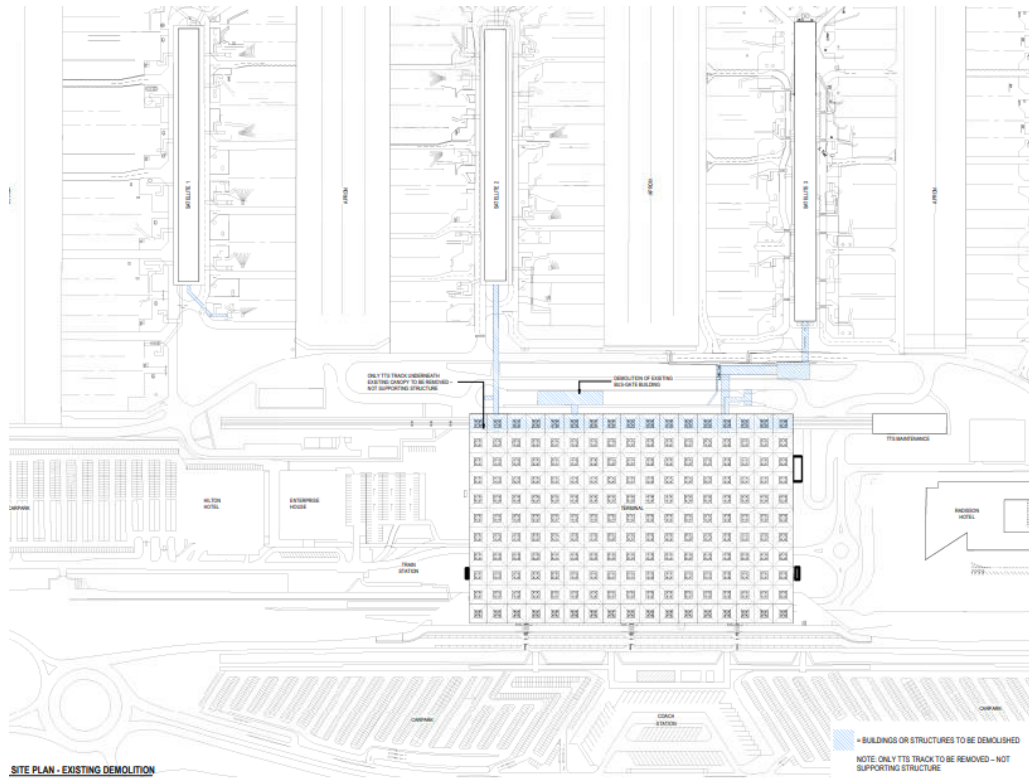
- Full demolition of two existing passenger ‘Skylink’ walkways to two existing aircraft satellite piers (SAT2 and SAT3).
- Construction of a 3-bay deep, full width extension of the existing passenger terminal. The extension will be over 3 levels (concourse, mezzanine and undercroft) that replicate the existing terminal’s levels. The height of the terminal extension will be the same height as the existing terminal.
- Construction of a new baggage handling building and associated vertical circulation core on the south-western side elevation of the existing passenger terminal, on an area of existing hardstanding.
- Construction of two replacement passenger ‘Skylink’ walkways to existing aircraft satellite piers (SAT2 and SAT3) and construction of one new ‘Skylink’ walkway to an existing aircraft satellite pier (SAT1).
- Construction of a plant enclosure on hardstanding to the north-east of the existing terminal, these include mechanical and electrical plant rooms.
- Re-alignment of ‘airside’ internal access roads; and
- A site for the provision of Biodiversity Net Gain within the airport’s boundary.

Figure 1.1: Proposed development



Source: STN.XX.00>XX-PAW-A-GA-BLDSTR-2910

3.5 The demolition of the existing bus-gate building and two existing skylink walkways total 3,350 sqm of gross internal area (GIA) floorspace.



3.6 The proposed development is required to assist the better handling and management of passengers into the airport. This is also particularly considering the recently approved planning permission for the increase in the passenger’s cap to 43million passengers per annum (planning application reference UTT/18/0460/FUL). This consent did not include an increase in flights.

3.7 The scheme proposes to provide a new floorspace, comprising;

Extension Building Floors	Area (Gross External)
Concourse Level (departures lounge, security, baggage)	16,500m ²

reclaim, arrivals, customs and immigration hall)	
Mezzanine Level (bus-gates, baggage hall and plant room)	15,180m ²
Undercroft Level (baggage hall, plant rooms and ancillary accommodation)	8,360m ²
Baggage Handling Building	
Ground floor	1,450m ²
First floor	1,450m ²
Plant Enclosure	
Ground floor	1,625m ²
Skylink walkways	
3 no. walkways- 2 levels	7,860m ²
Total	52,445m²

3.8 The previous UTT/16/3566/FUL scheme proposed a floor space comprising of the following;

Arrivals Building Floors	Area (Gross External)
<i>Ground Level</i> (Baggage factory and domestic passenger arrival gate and baggage reclaim)	13,278m ²
<i>Mezzanine Level</i> (International and CTA baggage reclaim hall, Customs, and meeting hall)	14,900m ²
<i>Concourse Level</i> (Immigration for international terminating passengers)	6,206m ²
Total	34,384m²

3.9 It should be noted that the UTT/16/3566/FUL has been materially implemented through the construction of footings and therefore whilst stated would not be constructed remains an extant scheme. This can be commenced and completed at any time and is a material consideration in the determination of this application.

3.10 The proposed height of the baggage handling building would be 9.2m and the vertical circulation core 14.2m. The height of the proposed extension

would be no higher than the existing main terminal building. The building would be 33m in width and 85m in length.

- 3.11 Due to aircraft safety the BNG area proposed is located outside of the operational area near the long stay carpark at Bury Lodge Lane, which is currently grassland.

4. **ENVIRONMENTAL IMPACT ASSESSMENT**

- 4.1 The proposal falls within 10(b) of Schedule 2 of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017 (the EIA Regs). However, the proposal is for a relatively modest development which would see a rationalisation of various elements. The development would have localised effects on the site and surrounding area, but these would not likely result in significant effects on the environment, either alone or cumulatively with other development. Therefore, an Environmental Impact Assessment was not required.

- 4.2 In addition, in a letter dated 8th August 2023, the Inspectorate provided a screening opinion and confirmed that an EIA was not required. The Inspectorate quoted:

- 4.3 The Proposed Development is located in proximity to a 'sensitive area' as defined by Regulation 2 of the EIA Regulations, namely: it is within the Impact Risk Zone for Elsenham Woods Site of Special Scientific Interest (SSSI) located c.1080m northeast.

- 4.4 Considering the nature, scale and location of the Proposed Development and nature of the receiving environment, whilst there may be some impact on the surrounding area and nearby designated sensitive area as a result of this development, it would not be of a scale and nature likely to result in significant environmental effects, either alone or cumulatively with other development.

- 4.5 Accordingly, in exercise of the powers conferred on the Secretary of State by Regulation 12(1) and 7(2) to (8) of the EIA Regulations, the Secretary of State hereby directs that this development is not Environmental Impact Assessment (EIA) development.

5. **RELEVANT SITE HISTORY**

Application Site:

- 5.1 There is an extensive site history in respect of the development of the airport. The most relevant applications are:

UTT/1000/01/OP: Extension to the passenger terminal; provision of additional aircraft stands and taxiways, aircraft maintenance facilities, cargo handling facilities, aviation fuel storage, passenger and staff car parking and other operational and industrial support accommodation,

alterations to airport roads, terminal forecourt and the Stansted rail, coach and bus station; together with associated landscaping and infrastructure. Approved 16 March 2003.

- 5.2** UTT/0717/06/FUL: Extension to the passenger terminal; provision of additional aircraft stands and taxiways, aircraft maintenance facilities, offices, cargo handling facilities, aviation fuel storage, passenger and staff car parking and other operational and industrial support accommodation; alterations to airport roads, terminal forecourt and the Stansted rail, coach and bus station; together with associated landscaping and infrastructure as permitted under application UTT/1000/01/OP but without complying with Condition MPPA1 and varying Condition ATM1 to 264,000 ATMs. Stansted Airport, Stansted/Birchanger/ Elsenham/ Takeley. Refused 30 November 2006, Allowed at Appeal 8 October 2008.
- 5.3** The 2001 application included the provision of a two bay extension to the south west elevation of the existing terminal to provide additional capacity to accommodate an uplift in passengers from 15mppa to 25mppa.
- 5.4** The 2006 application (2008 consent) saw the uplift in passenger numbers from 25mppa to 35mppa. This included broadly the same infrastructure as the 2001 application including the two-bay extension to the terminal building. The extension has not been constructed. The 2008 consent has been implemented by work commencing on the extension to the fuel farm.
- 5.5** Application UTT/16/3566/FUL was approved for “*A dedicated terminal facility for arriving passengers (34,384sqm); an associated forecourt; and altered access and service roads.*” 7th April 2017 subject to conditions.
- 5.6** Application UTT/18/0460/FUL was for “*The development proposed is airfield works comprising two new taxiway links to the existing runway (a Rapid Access Taxiway and a Rapid Exit Taxiway), six additional remote aircraft stands (adjacent Yankee taxiway); and three additional aircraft stands (extension of the Echo Apron) to enable combined airfield operations of 274,000 aircraft movements (of which not more than 16,000 movements would be Cargo Air Transport Movements) and a throughput of 43 million terminal passengers, in a 12-month calendar period.*” This was approved at appeal subject to conditions and a S106 Agreement 21st June 2021
- 5.7** **Surrounding sites:** At Land North Of Stansted Airport outline planning permission was granted for “*demolition of existing structures and redevelopment of 61.86Ha to provide 195,100sqm commercial / employment development predominantly within Class B8 with Classes E(g), B2 and supporting food retail/ food/beverage/nursery uses within Classes E (a), E(b) and E(f) and associated access/highway works, substation, strategic landscaping and cycle route and other associated works with matters of layout, scale, appearance and other landscaping reserved*” this was approved 9th August 2023 subject to conditions and S106 Agreement.

5.8 UTT/22/1474/PINS - The erection of a 14.3MW solar photovoltaic farm with associated access tracks, landscaping, supplementary battery storage, and associated infrastructure (Pins reference: S62A/22/0000004) located at Land East Of Parsonage Road, And South Of Hall Road, Takeley – Approved 24.08.2022

6. PRE-APPLICATION ADVICE AND/OR COMMUNITY CONSULTATION

6.1 Paragraph 39 of the NPPF states that early engagement has significant potential to improve the efficiency and effectiveness of the planning application system for all parties and that good quality pre-application discussions enable better coordination between public and private resources, and improved results for the community.

6.2 No formal pre-application discussion has been held with officers of Uttlesford District Council prior to the submission of this application to the Planning Inspectorate.

6.3 No details have been submitted prior to the submission of this application of whether any community consultation with the public was undertaken.

6.4 Nonetheless, the Planning Statement submitted together with the planning submission has stated that the following consultation programme has been undertaken;

- STAL unveiled its plans (branded as the Stansted Transformation Programme) for the expansion of the existing terminal to the public on 3rd July 2023.
- Key stakeholders were briefed on the proposals including:
 - Members of Parliament for the surrounding area, representing Saffron Walden (which incorporates the airport), Witham, Hertford and Stortford, Braintree, Harlow, North-east Hertfordshire, Tottenham and South Cambridgeshire;
 - The Leader and Chief Executive of Uttlesford District Council;
 - Local Uttlesford District Councillors for the wards of Stansted South and Birchanger;
 - The Leader of Essex County Council;
 - The Leader of Harlow District Council;
 - The Leader of Braintree District Council;
 - The Leader of Suffolk County Council;
 - The Chief Executive of the Greater Cambridgeshire Partnership;
 - The Director and Chair of Cambridge Ahead;
 - The Chief Executive of Essex, Suffolk, Hertfordshire and London Chambers of Commerce;
 - The Director of UK Innovation Corridor; and
 - Chief Executive of Business London.

- Members of the Stansted Airport Consultative Committee (STACC), a statutory body for airport consultation, were briefed on 12 July and given an overview of the proposals as well as an opportunity to comment and ask questions. The Committee membership includes representatives from Uttlesford District Council, East Herts District Council, Harlow District Council, Braintree District Council, Essex County Council, Hertfordshire County Council, the Uttlesford Association of Local Councils, and local interest groups including Stansted Airport Watch
- A press release was issued on the 3rd July 2023 which included a number of newspapers and regional television news.
- A website was set up hosting the information about the scheme.
- Also statutory consultees were engaged in technical matters

7. STATUTORY CONSULTEES

7.1 All statutory consultees will write directly to PINS within the 21 days period, which has since been extended to 22nd September 2023 and are thereby not all mentioned within this report.

Place Services Archaeology

7.2 The proposed development area has previously had extensive buildings and alterations and therefore it is likely that any preserved archaeological remains will have been disturbed or truncated. Therefore, no further archaeological recommendations are being made on this application.

Environmental Health

7.3 No objection has been raised subject to recommended conditions on noise, odour, lighting, constructions management and contaminations.

8. PARISH COUNCIL COMMENTS

8.1 These should be submitted by the Parish Council directly to PINS within the consultation period are thereby not informed within this report.

9. CONSULTEE RESPONSES

9.1 All consultees' comments should be submitted directly to PINS within the 21-day consultation period which has been now extended to 22nd September 2023 and are thereby not informed within this report.

Crime Liaison Officer

9.2 Further information required.

Place Services Ecology

9.3 No objections subject to conditions.

East Herts

9.4 No objections, supports current design to the alternative 2017 design.

10. **REPRESENTATIONS**

10.1 The application was publicised by sending letters to adjoining and adjacent occupiers and by displaying a site notice. Anyone wishing to make a representation (whether supporting or objecting) are required to submit their comments directly to PINS within the 21-day consultation period now extended to end 22nd September 2023. All representations should be submitted directly to PINS within the consultation period.

10.2 UDC has no role in co-ordinating or receiving any representations made about this application. It will be for PINS to decide whether to accept any representations that are made later than the extended consultation period

11. **MATERIAL CONSIDERATIONS**

11.1 In accordance with Section 38 (6) of the Planning and Compulsory Purchase Act 2004, this decision has been taken having regard to the policies and proposals in the National Planning Policy Framework, The Development Plan and all other material considerations identified in the “Considerations and Assessments” section of the report. The determination must be made in accordance with the plan unless material considerations indicate otherwise.

11.2 Section 70(2) of the Town and Country Planning Act requires the local planning authority in dealing with a planning application, to have regard to

(a) The provisions of the development plan, so far as material to the application,;

(a) a post-examination draft neighbourhood development plan, so far as material to the application,

(b) any local finance considerations, so far as material to the application, and

(c) any other material considerations.

11.3 Section 66(1) and 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires the local planning authority, or, as the case may be, the Secretary of State, in considering whether to grant planning permission (or permission in principle) for development which affects a listed building or its setting, to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses or, fails to preserve or enhance the character and appearance of the Conservation Area

11.4 **The Development Plan**

11.5 Essex Minerals Local Plan (adopted July 2014)

Essex and Southend-on-Sea Waste Local Plan (adopted July 2017)
Uttlesford District Local Plan (adopted 2005)
Felsted Neighbourhood Plan (made Feb 2020)
Great Dunmow Neighbourhood Plan (made December 2016)
Newport and Quendon and Rickling Neighbourhood Plan (made June 2021)
Thaxted Neighbourhood Plan (made February 2019)
Stebbing Neighbourhood Plan (made 19 July 2022)
Saffron Walden Neighbourhood Plan (made 11 October 2022)
Ashdon Neighbourhood Plan (made 6 December 2022)
Great & Little Chesterford Neighbourhood Plan (made 2 February 2023)

12. POLICY

12.1 National Policies

National Planning Policy Framework (2021)
Aviation Policy Framework (March 2013)

12.2 Uttlesford District Plan 2005

S4 – Stansted Airport Boundary
AIR1 – Development in the Terminal Support Area
GEN1 – Access
GEN2 – Design
GEN3 – Flood Protection
GEN5 – Light Pollution
GEN7 – Nature Conservation
E3 – Access to Workplaces
LC2 – Access to Leisure and Culture Facilities

12.3 Supplementary Planning Document or Guidance

Uttlesford Local Residential Parking Standards (2013)
Essex County Council Parking Standards (2009)
Supplementary Planning Document- Essex Design Guide
Uttlesford Interim Climate Change Policy (2021)

13. CONSIDERATIONS AND ASSESSMENT

13.1 The issues to consider in the determination of this application are:

- 13.2**
- A) Principle of development**
 - B) Design and lighting**
 - C) Accessibility**
 - D) Impacts on biodiversity**
 - E) Drainage and flooding**
 - F) Other material planning considerations**

13.3 **A) Principle of development**

- 13.3.1** The application site is located within the boundary of Stansted Airport where Policy S4 permits development directly related or associated with the airport to be carried out. The majority of the application site falls under policy area AIR1. Policy AIR1 specifically restricts development to, inter alia, landside road and rail infrastructure and other airside operational uses. The policy states *“Land adjoining the terminal, as shown on the Inset Map, is principally reserved for landside road and rail infrastructure and a telecommunications building, airside roads, the apron, passenger vehicle station rapid transport system and other airside operational uses; terminal support offices; an hotel and associated parking; a bus and coach station and short term and staff car parks.”* The preamble to the policy states that development must respect the integrity of the design of the terminal building. *“A small part of the ‘terminal area’ application site is outside of the area under Policy AIR1 on the Proposals Map and is instead ‘white land’ with no specific policy designation. This applies to the part of the application site where the existing TTS track (the section that links to satellite 1) and part of the existing Skylink walkways to satellites 2 and 3 currently lie.”* (Planning Statement. Paragraph 6.23). The grassland area that is proposed to deliver the BNG falls under Policy designation S8 Countryside Protection Zone.
- 13.3.2** The Aviation Policy Framework seeks to set out a strategy for a vibrant aviation sector including making best use of existing capacity to improve performance, resilience and the passenger experience. One of the aims is to improve efficiency at the border. Paragraph 1.72 of the Framework states that the government is committed to *“improve the passenger experience so that we achieve the best possible experience for people visiting or returning to the UK, whilst at the same time maintaining our border security.”* The Framework also states about making best use of existing capacity in the short term, and achieving economic growth in the long terms of which the proposed development would assist in processing the existing passengers through the arrivals and the future growth in number that has been allowed under the 2021 consent. This is in accordance with paragraph 1.73 of the Aviation Framework which states *“Whilst the safety and security of the public is our priority, we accept that we have a responsibility to process genuine, low-risk passengers without delay. We fully recognise the importance of a positive first experience at the border and that long queues to enter our country make a bad first impression.”*
- 13.3.3** The principle of additional terminal floorspace is already established with the extant consent granted under UTT/0717/06/FUL which permitted a two-bay 29,000sqm extension to the existing terminal. An alternative form of a standalone, purpose-built arrivals building with a floorspace of 34,384sqm, an increase of 5,384sqm was granted in 2017 which is still capable of being implemented together with this scheme. This scheme proposes an extension to the main building creating an additional three bays to the rear of the terminal with an 18,061m² increase in footprint at 52,445m² or a combined footprint of 86,829m². There is no increase in passenger numbers or flights as a result if this planning application.

13.3.4 The proposed increase in floorspace would ensure the terminal facilities could be future proofed to provide for modern technology and the flexibility needed to meet ever changing passenger, airline and regulatory requirements.

13.3.5 Subject to other policy considerations, it is considered that the principle of the proposed new terminal building is acceptable. The elements in the 'white area' are essential infrastructure associated with the effective operation of the terminal, the new Skylink will replace the decommissioned TTS. The proposed development is in accordance with Uttlesford Local Plan Policies S4, S8 and AIR1.

13.4 B) Design and lighting

13.4.1 The proposed extension would span the rear length of the main building retaining and replicating the award-winning design by Sir Norman Foster design and replicating it. It would be no higher than the main building. The dimensions have been discussed above in Section 3.

13.4.2 The size, scale and design of the extension and works would be appropriate and in keeping with the design and functionality of the main building.

13.4.3 In terms of sustainability of the building the MAG have a well-established Corporate Social Responsibility (CSR) strategy. There are sustainability standards which are set out in the programme of which would be rolled out to cover the extension. They have a BREEAM 'Excellent' rating target. This is in line with the Policy GEN2, the Uttlesford Energy Efficiency Renewable Energy SPD and Interim Climate Change Policy (2021)

13.4.4 It is suggested that a suitable worded planning condition should be imposed if permission is granted for the applicant to provide details prior to the construction of the extension of how the proposal will meet the required standards set out in the Interim Climate Change.

13.4.5 The approved solar scheme at Land East Of Parsonage Road, And South Of Hall Road, Takeley would facilitate in sustainably catering for the airport's energy demands.

Designing out Crime

13.4.6 Local Plan Policy GEN2 (d) seeks reducing the potential for crime. The Crime Prevention Officer has commented regarding the application and has sought further information on the detailing of the scheme in terms of internal layout and security measures. Details of their comments are located in Appendix 1. There appears to be a lack of internal detailing some of this could be considered due to security risks due to the sensitive nature of the airport operations. I would leave this aspect for the Inspector to consider during their assessment of the application and whether this is required in order to make a fully informed decision, whether this can be

conditions or something that can be dealt with directly by the Airport with Essex Police.

Amenity

- 13.4.7** Due to the nature of the proposed development, the site of the development works, the fact that there would not be an increase in passenger numbers, or flights the development would not result in excessive harm to the amenities enjoyed by nearby neighbouring residential property occupiers including occupiers of the Radisson Hotel. No additional noise or air pollution is considered.
- 13.4.8** In terms of lighting no details of lux values or light spill drawings have been supplied with the application. It is considered that the potential for light spillage can be controlled by condition if planning permission is granted for the proposed development.
- 13.4.9** Environmental Health have commented on the application. No objection has been raised subject to recommended conditions on noise, odour, lighting, constructions management and contaminations.
- 13.4.10** It is considered the proposed development is in accordance with Uttlesford Local Plan Policies GEN2, GEN4 and GEN5, subject to conditions.

13.5 C) Accessibility

- 13.5.1** Policy GEN1 relates to access, and this basically covers two separate areas. Firstly, is access to the main road network which must be capable of carrying the traffic generated by the proposal. In addition, the development should encourage movement by means other than the private car. In this instance the principle of the development has previously been granted in other forms.
- 13.5.2** The improvements to the public transport infrastructure and the necessary mitigation measures and improvements to the road network have already been carried out or are in place with requirements set out in S106 Legal Obligations/Unilateral Undertakings. Due to the nature of the application nothing further needs to be considered under the highway's element. However, it should be noted that a Travel Plan already exists for the airport in conjunction with the work of the established Airport Transport Forum, and the passengers and airport staff utilising the extension will be incorporated into this existing approach to sustainable travel.
- 13.5.3** With regards to accessibility within the site, Policy GEN1 requires the development to be designed to meet the needs of people with disabilities. Similarly, Policy E3 requires developments to include the highest standards of workplace accessibility and inclusion for all people regardless of disability, age or gender. Policy LC2 requires tourist facilities to be inclusive to all.

- 13.5.4** There are two elements to accessibility within the development site. Firstly, there is the accessibility within the building. Secondly, accessibility outside the building and gaining access to onward travel modes including public transport and the private car.
- 13.5.5** The extension and its associated skylink walkways would maintain and maximise access to all parts of the terminal, its facilities and services for passengers, visitors and members of staff regardless of disability. It is stated within the Planning Statement that the demolition of the TTS and installation of new skylinks together with the extension would improve passenger circulation and be able to cater for the increase in passenger numbers previously approved.
- 13.5.6** In terms of external movement outside the proposed terminal, it is proposed passengers would have direct access to rail, coach and car park facilities. This would be means of steps or ramps which connect to these facilities underneath the existing terminal forecourt.
- 13.5.7** On balance it is considered that the proposals comply with the relevant policies.

13.6 D) Impacts on biodiversity

- 13.6.1** Policy GEN2 of the Local Plan applies a general requirement that development safeguards important environmental features in its setting whilst Policy GEN7 seeks to protect wildlife, particularly protected species and requires the potential impacts of the development to be mitigated.
- 13.6.2** Development sites should lead to net biodiversity gain of at least 10% as mandated by the new Environment Act 2021. Although there is a minimum mandatory 10% biodiversity net gain (BNG), the Council should encourage proposals to aim for a higher BNG taking into consideration that larger sites and sites of higher agricultural value should naturally seek greater BNG. An area has been identified to the north of the airport on Bury Lodge Lane belonging to the applicant, which has been identified for the purposes of BNG. The site identified would provide a 1.7ha area to deliver 10.13% BNG.
- 13.6.3** A Preliminary Ecological Appraisal has been submitted as part of the application. There are no important or protected habitats nor any protected or notable species on the application site and the nearest nationally-designated site, the Elsenham Woods SSSI, is over 1km away.
- 13.6.4** Essex County Council Place Services Ecology Officer has raised no objections subject to conditions relating to mitigation measures, BNG management and monitoring, biodiversity enhancement layout.
- 13.6.5** The proposed development is therefore in accordance with Local Plan Policy GEN7 and Paragraph 174d of the National Planning Policy Framework 2021.

13.7 E) Drainage and flooding

- 13.7.1** The adopted Development Plan Policy GEN3 requires development outside flood risk to avoid increasing the risk of flooding through surface water run-off.
- 13.7.2** The application site lies within Flood Zone 1 with a low probability of fluvial or tidal flooding.
- 13.7.3** Due to the siting of the proposed development and the nature of the works it is unlikely to significantly increase run off levels. The SUDs proforma identifies an additional 7,000m² of impermeable area with 950m³ of water needing to be mitigated.
- 13.7.4** The airport has an existing drainage network which manages water across the site. The proposals would feed into this existing network which has sufficient attenuation capacity to accommodate the estimated runoff from the proposed development.
- 13.7.5** Due to aircraft safety and the risk of bird strike the use of SUDs is not possible and the nature of the geology on site infiltration is not suitable. However, rainwater would be harvested and used within the terminal and the remaining surface water would be fed into the drainage network.
- 13.7.6** Based on the above information and no comments from the LLFA, the proposal is considered to be acceptable in drainage terms and therefore comply with Policy GEN3 and the NPPF.

13.8 F) Other material planning considerations

Archaeology

- 13.8.1** Due to the site being previously worked and excavated it is considered unlikely that there would be any archaeological remains. A desktop study has concluded no further investigations is required. This view has been supported by County Archaeology. This being the case the scheme is in accordance with Policy ENV4 of the Local Plan.

Environmental Health

- 13.8.2** Local Plan Policy ENV14 deals with contamination and seeks land to be remediated and the protection of water pollution. It has been stated within the planning submission that there is very low risk of contamination on site. A condition can be imposed should planning permission be granted to ensure that there is a programme of monitoring, and should contamination be found that subsequent remediation is implemented.
- 13.8.3** A Construction Environmental Management Plan is likely to be required in order to control and mitigate the demolition and construction work to ensure that dust and noise levels are controlled and mitigated of which this can be dealt with by way of condition.

- 13.8.4** Environmental Health have raised no objections regarding contamination or the mitigations of noise, odour, light and dust pollution subject to conditions. As a result, the proposed scheme is considered to be in accordance with Local Plan Policy ENV14, GEN2, GEN4, GEN5 and the NPPF.

Cumulative Impacts

- 13.8.5** In consideration that both this current scheme and the 2017 scheme could be implemented together whilst there would be a significant increase in build form to service the already approved increase in passenger numbers no other harms are identified apart from ensuring consistency design such as in drainage, lighting and security measures etc.

Planning Obligations

- 13.8.6** Paragraph 56 of the NPPF sets out that planning obligations should only be sought where they are necessary to make the development acceptable in planning terms; directly related to the development; and fairly and reasonably related in scale and kind to the development. This is in accordance with Regulation 122 of the Community Infrastructure Levy (CIL) Regulations. The following identifies those matter that the Council would seek to secure through a planning obligation, if it were proposing to grant it permission.

- 13.8.7** The Section 106 Legal Agreement to permission UTT/18/0460/FUL specifies several obligations/requirements in which proposals need to comply with. The proposals have been checked against of the S106 agreement and it is confirmed that the proposals have been designed to facilitate the necessary obligations/requirements as highlighted in the S106 agreement.

Section 62a Process

- 13. 8.8** From 1 October 2013 the Growth and Infrastructure Act inserted two new provisions into the Town and Country Planning Act (1990) ('the Act'). Section 62A allows major applications for planning permission, consents and orders to be made directly to the Planning Inspectorate (acting on behalf of the Secretary of State) where a local planning authority has been designated for this purpose.

- 13.8.9** The Planning Inspectorate will appoint an Inspector to determine the application. The Inspector will be provided with the application documents, representations and any other relevant documents including the development plan policies. Consultation with statutory consultees and the designated LPA will be carried out by the Planning Inspectorate.

- 13.8.10** The LPA also must carry out its normal notification duties, which may include erecting a site notice and/or writing to the owners/occupiers of adjoining land.

13.8.9 The LPA is also a statutory consultee and must provide a substantive response to the consultation within 21 days. This should include a recommendation, with reasons, for whether planning permission should be granted or refused, and a list of conditions if planning permission is granted.

13.8.10 The Planning Inspectorate will issue a formal decision notice incorporating a statement setting out the reasons for the decision. If the application is approved the decision will also list any conditions which are considered necessary. There is no right to appeal.

14. CONCLUSION

14.1 The main planning benefits identified with regards to the proposed development are;

- a) significantly improving customer service standards for passengers and airlines.
- b) maximising the best use of existing airport capacity.
- c) wider economic benefits; and
- d) amenity improvements.

14.2 No harms have been identified based on the submitted information and the little consultee feedback received.

14.3 Nonetheless, the scheme is major planning application and has been submitted to the Planning Inspectorate (PINS) for determination. This means that the Uttlesford District Council Planning Authority is not the decision maker but rather a consultee whereby the Council may submit comments to PINS.

14.4 The application has been consulted to statutory and non-statutory, however, at the time of the preparation of this report, little formal comments have been made available.

14.5 As such, without all the available information from relevant statutory consultees, one can only make a recommendation based on the information available at the time and therefore based on the above recommend that planning permission be granted subject to condition.

15. CONDITIONS - TO FOLLOW

15.1 Below is a list of conditions that will be suggested to the Planning Inspectorate if they are mindful of approving this scheme. It is acknowledged that statutory and non-statutory consultees have until the 22nd September 2023 to provide formal comments to the Planning Inspectorate whereby they may suggest to impose further conditions. Subject to these suggested conditions meeting the required tests, they should also be imposed on any decision.